

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSICA JONES, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

JURY DEMAND

**DECLARATION OF DAVID H. SEIDEL IN SUPPORT OF PLAINTIFFS' MOTION
FOR LEAVE TO FILE LATE-PRODUCED DOCUMENT IN OPPOSITION TO
SUMMARY JUDGMENT**

DECLARATION OF DAVID H. SEIDEL

I, David H. Seidel, declare the following under penalty of perjury:

1. I am an associate attorney at the Joseph Saveri Law Firm, LLP, counsel for Plaintiffs Jessica Jones and Christina Lorenzen (“Plaintiffs”) in *Jones v. Bain Capital Private Equity*, case no. 2:20-cv-02892-SHL-tmp. I am a member in good standing of the State Bar of California and have been admitted *pro hac vice* in the United States District Court for the Western District of Tennessee, Western Division. I am over 18 years of age and have personal knowledge of the facts stated in this Declaration. If called as a witness, I could and would testify competently to them. I write this declaration in support of Plaintiffs’ Motion for Leave to File Late-Produced Document in Opposition to Summary Judgment (“Motion”).

2. On October 3, 2023, I emailed Steven Kaiser, counsel for the Varsity, Bain, and Charlesbank Defendants, about a case study regarding Varsity, which I discovered through an article written by a third-party journalist had been previously published on Charlesbank’s website but was no longer on the website. On October 6, Mr. Kaiser responded, attaching a Bates-stamped document (CB00546529), which he described as being “what was on the website.” A true and correct copy of that email exchange is attached hereto as **Exhibit A**.

3. Attached as **Exhibit B** is a true and correct copy of the document Bates-stamped CB00546529.

4. Mr. Kaiser stated that the document Bates-stamped CB00546529 “seems essentially identical to CB00202737.” The document Bates-stamped CB00202737 is a draft version of the case study, which was timely produced by Charlesbank and is substantially different from the final version. Attached as **Exhibit C** is a true and correct copy of the document

Bates-stamped CB00202737 and its parent email, dated June 5, 2019. Attached as **Exhibit D** is a redline comparison of the documents Bates-stamped CB00202737 and CB00546529.

5. I do not know precisely when the case study regarding Varsity was removed from the Charlesbank website. The current “Case Studies” page of Charlesbank’s website (<https://www.charlesbank.com/portfolio/case-studies/>) shows that the Varsity Brands case study is no longer present.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 2023 in San Francisco, California.

/s/ David H. Seidel

David H. Seidel